

Message Text

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NODIS
MILITARY ADDEE HANDLE AS SPECAT EXCLUSIVE

FOLLOWING REPEAT STATE 268153 ACTION MANILA 30 OCT QUOTE

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E.O. 11652:N/A

TAGS: MARR, RP

SUBJECT:MUTUAL DEFENSE TREATY: AIDE-MEMOIRE

FOLLOWING IS TEXT OF AIDE-MEMOIRE HANDED TO FONSEC ROMULO
OCTOBER 28:

BEGIN VERBATIM TEXT: THE UNITED STATES GOVERNMENT WISHES
TO PROVIDE THE FOLLOWING RESPONSE TO THE QUESTIONS RAISED
BY FOREIGN SECRETARY CARLOS P. ROMULO DURING HIS MEETING
WI SECRETARY OF STATE HENRY A. KISSINGER ON OCTOBER 6,
1976, CONCERNING THE OBLIGATIONS OF THE UNITED STATES UNDER
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THE MUTUAL DEFENSE TREATY OF 1951.

QUOTE THE UNITED STATES GOVERNMENT REAFFIRMS ITS COMMITMENT
TO THE MUTUAL DEFENSE TREATY OF 1951. THE PROVISIONS OF

THAT TREATY MOST RELEVANT TO THE PHILIPPINE GOVERNMENT'S INQUIRIES ARE ARTICLES IV AND V. UNDER ARTICLE IV, EACH PARTY OBLIGATES ITSELF TO "ACT TO MEET THE COMMON DANGERS IN ACCORDANCE WITH ITS CONSTITUTIONAL PROCESSES" IN THE EVENT OF AN "ARMED ATTACK IN THE PACIFIC AREA ON EITHER OF THE PARTIES." ARTICLE V PROVIDES THAT "AN ARMED ATTACK" IS DEEMED TO INCLUDE "AN ARMED ATTACK ON THE METROPOLITAN TERRITORY OF EITHER OF THE PARTIES, OR ON THE ISLAND TERRITORIES UNDER ITS JURISDICTION IN THE PACIFIC OR ON ITS ARMED FORCES, PUBLIC VESSELS OR AIRCRAFT IN THE PACIFIC."

QUOTE IT IS CLEAR FROM THESE TWO ARTICLES THAT THE OBLIGATIONS OF THE UNITED STATES DO NOT ARISE SOLELY IN THE EVENT OF AN EXTERNAL ATTACK THAT DIRECTLY THREATENS UNITED STATES BASES IN THE PHILIPPINES. RATHER, AN EXTERNAL ATTACK ON ANY PART OF THE PHILIPPINES WOULD MAKE THE TREATY APPLICABLE AND WOULD, ACCORDINGLY, OBLIGATE THE UNITED STATES TO "ACT TO MEET THE COMMON DANGERS IN ACCORDANCE WITH ITS CONSTITUTIONAL PROCESSES." THE PRESENCE OF UNITED STATES FORCES AT BASES IN THE PHILIPPINES FACILITATES THE ABILITY OF THE UNITED STATES TO FULFILL THIS OBLIGATION FORCEFULLY AND EXPEDITIOUSLY.

QUOTE THE REFERENCE IN THE TREATY TO "CONSTITUTIONAL PROCESSES" SERVES TO MAKE CLEAR THAT THE TREATY COULD NOT, AND WAS NOT INTENDED TO, ALTER THOSE PROCESSES FOR EITHER PARTY. IN THE CASE OF THE UNITED STATES, THE POWERS OF THE PRESIDENT UNDER OUR CONSTITUTION AS CHIEF EXECUTIVE AND COMMANDER-IN-CHIEF ARE EXTENSIVE AND REMAIN UNIMPAIRED BY THE TREATY, AS WELL AS BY LEGISLATION SUCH AS THE RECENT WAR POWERS RESOLUTION.

QUOTE THE UNITED STATES GOVERNMENT IS PLEASED TO RECEIVE THE ASSURANCES OF THE PHILIPPINE GOVERNMENT THAT IT HAS NO INTENTION OF INVOLVING THE UNITED STATES IN THE RESOLUTION OF DISPUTED TERRITORIAL CLAIMS. FOR ITS PART, THE UNITED STATES HAS NO INTENTION OF WITHDRAWING ITS COMMITMENTS UNDER THE MUTUAL DEFENSE TREATY OF 1951.

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QUOTE THE UNITED STATES GOVERNMENT BELIEVES THAT THE MUTUAL DEFENSE TREATY OF 1951 CONTINUES TO SERVE THE MUTUAL INTERESTS OF THE UNITED STATES AND THE PHILIPPINES, AND HOPES THAT THIS RESPONSE WILL ALLEVIATE ANY APPREHENSIONS WHICH THE PHILIPPINE GOVERNMENT MAY HAVE HAD CONCERNING THE SCOPE AND FIRMNESS OF THE UNITED STATES COMMITMENT TO ITS OBLIGATIONS UNDER THAT TREATY. END VERBATIM TEXT.

KISSINGER

UNQTE. KISSINGER

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